

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CV-239-FL

LARRY L. MORRIS, JR.,

Plaintiff,

v.

OFFICER J. B. EDMONDS, individually
and in his official capacity with the Rocky
Mount Police Department; and THE CITY
OF ROCKY MOUNT, N.C.,

Defendants.

ORDER


This matter is before the court on the Amended Memorandum and Recommendation and frivolity review of plaintiff's amended complaint in accordance with 28 U.S.C. § 1915(a)(1) of United States Magistrate Judge Robert B. Jones, Jr. Considering no objections to the M&R have been filed and the time within which to make any objection has expired, this matter is ripe for ruling.

The court hereby ADOPTS the recommendation of Magistrate Judge Jones as its own, and, for the reasons stated therein, plaintiff's § 1983 claim against Officer Edmonds in his official capacity is DISMISSED. Plaintiff's claim for punitive damages against Rocky Mount and Officer Edmonds in his official capacity is DISMISSED. Plaintiff's remaining claims are allowed to proceed.

The clerk of court is directed to file the complaint. Additionally, it is ORDERED that the clerk issues the summonses and the United States Marshal serve a copy of the complaint,

summonses, and this order upon the defendants as directed by plaintiff. All costs of service shall be advanced by the United States.

SO ORDERED, this the 24th day of July, 2008.



LOUISE W. FLANAGAN
Chief United States District Judge